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REMARKS

Upon entry of the present amendment, the claims in the application are amended claims 14-23 .

35 USC 112 REJECTIONS

It is respectfully submitted that the 35 USC 112 rejections of the previous claims are avoided and/or overcome by the newly-amended claims.

35 USC 103 REJECTION

Applicant respectfully traverses the 35 USC 103 rejection of the previous claims, especially in view of the newly-amended claims.

With respect to the newly-amended claims, attention is directed to specification page 11, lines 23-27.

The OA concedes that Choi fails to disclose the needles as being partially coated with a coating.

In addition, Choi also does not disclose:

“each said needle comprising a rod; member provided with a sharpened portion at a first end of said rod member , and provided with a head portion at a second end of said rod member;

each said needle being fixed in said base member so that said rod member provided with said sharpened portion protrudes above said base member; “ ,
as required by amended claim 14, and the remaining claims all of which depend directly or indirectly from claim 14.

In contrast, all of Choi's needles lack a head portion; Choi needle 12 has a spherical tip,

and has no sharpened portion; Choi needle 13A has the shape of a nappe of a right circular cone, and lacks a rod member; Choi needle 13B has the shape and orientation of an inverted and truncated nappe of a right circular cone, and lacks a sharpened portion which protrudes above the base member; Choi needle 14 does not meet the specifications of applicant's amended claim 14. See Choi, Figs. 2(A) and 2(B).

Applicant further respectfully submits that Choi and Gabrusenok, taken singly or in combination, fails to teach or make obvious:

“An applicator for use in reflexotherapy, comprising:

a base member;

a plurality of needles fixed within said base member;

each said needle comprising a rod, member provided with a sharpened portion at a first end of said rod member, and provided with a head portion at a second end of said rod member;

each said needle being fixed in said base member so that said rod member provided with said sharpened portion protrudes above said base member;

said rod member being made from a base material;

one or more of said needles being partially covered with a coating;

said needles including one or more first needles being made from and/or coated with a first material, and a one or more second needles being made from and/or coated with a second material;

each said needle being surrounded with needles whose base materials and coatings are made from different materials;

said first and second materials having different electrochemical potentials; and

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said partially-covered needles expose a surface of contact between each needle and a user's epidermis to at least said first and second materials", as required by amended claim 14, and the remaining claims all of which depend directly or indirectly from claim 14.

With respect to claims 22 and 23, the OA further concedes that Choi also fails to disclose the claimed materials for the needles and/or coatings.

Applicant respectfully submits that applicant's specification page 1, line 31 to page 2, line 2 does not admit that the following is old and well known:

"An applicator according to claim 14, wherein:

the material comprising said needles and/or coatings is selected from steel, copper, chromium, nickel, silver, cobalt, aluminum, magnesium, zinc, tin, titanium, vanadium, beryllium, gold, platinum, palladium, strontium, tellurium or alloys and oxides thereof. " Underscoring added for emphasis.

In light of the foregoing, applicant respectfully requests reconsideration of the obviousness rejection with a view toward withdrawing same.

Conclusion

Applicant respectfully submits that the invention as defined in newly-amended claims 14-23 is not obvious in view of the references cited with respect to the previous claims.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not convinced that the application is in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for

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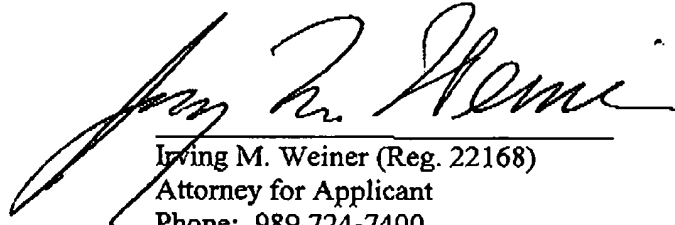
applicant in an attempt to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

A Petition for Extention and a PTO-2038 for the extention fee are enclosed.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

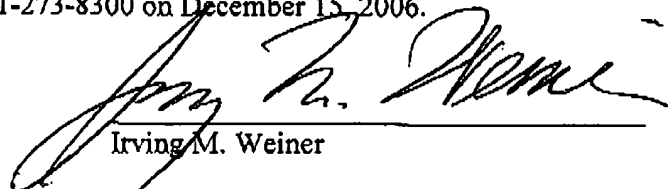
Date: December 15, 2006
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Certificate of Facsimile

I hereby certify that the foregoing amendment with its enclosures were sent by facsimile to the Commissioner for Patents at 571-273-8300 on December 15, 2006.



Irving M. Weiner